

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSUE MIKAEL NUNEZ,

Defendant.

CR 21–24–BLG–DLC

ORDER

Before the Court is the United States motion for preliminary order of forfeiture. (Doc. 27.) The operative information in this case contains a forfeiture allegation and on August 9, 2021, Mr. Nunez was adjudged guilty as charged in that information. As such, the United States is now entitled to possession of certain property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Federal Rule of Criminal Procedure 32.2(b)(2).

Accordingly, IT IS ORDERED that the motion (Doc. 27) is GRANTED.

IT IS FURTHER ORDERED that the United States is authorized and ordered to seize \$1,780.00 in United States currency.

IT IS FURTHER ORDERED that such property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1).

IT IS FURTHER ORDERED the aforementioned forfeited property is to be held by the United States in its secure custody and control.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

IT IS FURTHER ORDERED that upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. §

853(n), in which all interests will be addressed.

IT IS FURTHER ORDERED that, at sentencing, this preliminary order shall become final as to Mr. Nunez and is hereby incorporated into any final judgment ultimately rendered.

DATED this 9th day of August, 2021.



Dana L. Christensen, District Judge
United States District Court